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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,237	02/12/2002	Frederick J. Hudson	01-40451-US	6231

7590 12/04/2003

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EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/074,237

Applicant(s)

HUDSON, FREDERICK J.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowe et al. (US 5,671,362).**

Cowe et al. teach an inventory monitoring method and system, comprising:

**As per claims 1 and 15,**

coordinating of at least one portion of the materials management system at a remote operation center (column 11, line 48 – column 12, line 3; column 26, lines 40-46);

externally transmitting at least one attribute to the remote operation center from at least one receiving station (column 7, line 61 – column 8, line 5);

receiving the at least one attribute of at least one material flow item in the at least one portion of the materials management system at the remote operation center (column 11, line 48 – column 12, line 3; column 26, lines 40-46);

updating the at least one attribute to at least one updated attribute at the remote operation center (column 21, lines 30-46);

externally transmitting the at least one update attribute from the remote operation center to the at least one receiving station (column 21, lines 30-46);

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reconciling the at least one attribute and the at least one updated attribute  
(column 21, lines 30-46).

**As per claim 2**, said method and system, wherein the remote operation center is accessible from any communicative connection with the external interconnection  
(column 7, line 61 – column 8, line 5).

**As per claim 3**, said method and system, wherein the at least one attribute and the at least one updated attribute comprise at least one selected from the group consisting of a specific location, color, shape, size, addressee, status, a signatures record, present location, desired delivery destination, contents, and weight (column 7, line 61 – column 8, line 5).

**As per claims 4-6**, said method and system, wherein the copy link provides a link from the remote operation center to real-time operations at at least one of the receiving stations (column 5, lines 27-45).

**As per claim 7**, said method and system, wherein the at least one receiving station comprises an infrared scanner communicatively connected to a programmable electronic device (column 7, line 61 – column 8, line 5).

**As per claim 11**, said method and system, wherein at least one receiving station comprises a barcode printer (column 9, line 65 – column 10, line 2).

**As per claim 12**, said method and system, wherein at least one updated attribute comprises previous ones of the receiving stations through which the at least one material flow item has passed (column 21, lines 30-46).

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**As per claim 13**, Cove et al. teach all the limitations of claim 13, except that said receiving stations (shelves) include a delivery station, and wherein the delivery station comprises a final receiving station.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cove et al. to include that said receiving stations include a delivery station, and wherein the delivery station comprises a final receiving station, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Cove et al. would perform the invention as claimed by the applicant with said stations being of any type.

**As per claim 14**, Cove et al. teach all the limitations of claim 14, including scanning the at least one inventoried item upon entry into the materials management flow at each receiving station (shelf) (column 3, lines 19-21; column 7, line 61 – column 8, line 5), except specifically teaching that said stations include a secondary station and a tertiary station.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cove et al. to include that said stations include a secondary station and a tertiary station, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Cove et al. would perform the invention as claimed by the applicant with said stations being of any type.

**As per claim 16**, Cove et al. teach all the limitations of claim 16, including:

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receiving the at least one updated attribute at an at least one local receiving station (column 9, line 65 – column 10, line 2; column 10, lines 18-21);

transmitting an at least one local attribute, from the at least one local receiving station, to a remote operation center (column 9, lines 60-65);

wherein the at least one updated attribute, and the at least one local attribute at the local receiving station, and a receipt of the transmitted at least one local attribute at the remote operation center, are reviewable at the at least one local receiving station (Fig. 4; column 11, lines 37-39; 55-61).

However, Cove et al. do not specifically teach that said updated attribute, local attribute and the receipt are reviewable substantially simultaneously.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cove et al. to include that said updated attribute, local attribute and the receipt are reviewable substantially simultaneously, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Cove et al. would perform the invention as claimed by the applicant with either specifically teaching that said item are reviewable substantially simultaneously, or not.

**As per claims 17-19**, said method and system, further comprising controlling the material flow of the controlled material at said at least one receiving station in accordance with the at least one modified attribute and the at least one updated attribute (column 11, line 62 – column 12, line 3).

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**Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowe et al. in view of Markham et al. (US 2003/0158795).**

**As per claims 8-10**, Cove et al. teach all the limitations of claims 8-10, except that the programmable device is a PDA.

Markham et al. teach a method and system for storing a data associated with a material during manufacturing, wherein a PDA may be used for collecting and transmitting said data [0287].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cove et al. to include that the programmable device is a PDA, because it would increase the versatility of the system, thereby make it more attractive to the customers.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

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***Commissioner of Patents and Trademarks***

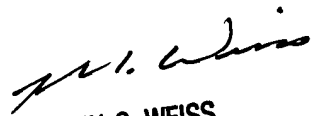
***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IB

  
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